

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6963

WARREN CHASE,

Plaintiff - Appellant,

versus

JACKY HENDRICKS, Classification Counselor;
RICHARD WARREN; MR. ADAMS; DR. CATCHER; DR.
ANAWAILLEY; MR. CRAIG; MR. PATTERSON; BOB
CRAFT; R. BOND; DR. SHAPIRO; M. MUNGAI; DR.
MEILLER; JOSEPH HENNEBERRY; ARCHIE GEE; ROBERT
SPANGLER; THOMAS R. CORCORAN; SMITH, Assistant
Warden; MRS. SORENSON; JOHN SWIVEL; MS.
FAUNTLEROY; SWENDOLIN DUCKETT; MR. THEADWELL;
RICHARD A. LANHAM, SR.; EUGENE M. NUTH; JACK
KAVANAGH; JOSEPH ZBOZIEN,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Catherine C. Blake, District Judge. (CA-
97-2966-CCB)

Submitted: September 10, 1998

Decided: November 10, 1998

Before MURNAGHAN, MICHAEL, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Warren Chase, Appellant Pro Se. Wendy Ann Kronmiller, Assistant Attorney General, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Appellant filed an untimely notice of appeal. We dismiss for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods are "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). Parties to civil actions have thirty days within which to file in the district court notices of appeal from judgments or final orders. Fed. R. App. P. 4(a)(1). The only exceptions to the appeal period are when the district court extends the time to appeal under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6).

The district court entered its order disposing of the complaint on March 31, 1998. On May 2, 1998, Appellant filed a pleading construed by the court as a motion for reconsideration.* Because it was filed more than ten days after the March 31 order, the motion did not toll the thirty-day appeal period in which to file a notice of appeal. See Fed. R. App. P. 4(a)(4). The district court denied the motion on May 18, 1998; Appellant's notice of appeal was filed on June 25, 1998, which is beyond the thirty-day appeal period as to both the March 31 order and the May 18 order. Appel-

* We presume for the purpose of this appeal that Appellant deposited this document and his subsequent notice on appeal in the prison's internal mail system on the date the documents were prepared. See Houston v. Lack, 487 U.S. 266 (1988).

lant's failure to note a timely appeal or to obtain an extension of the appeal period leaves this court without jurisdiction to consider the merits of Appellant's appeal. We therefore dismiss the appeal. We deny Appellant's motion for an injunction or a temporary restraining order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED